

TOWN CLERK'S REPORT SPECIAL TOWN MEETING

Monday, the Seventh Day of March, 2011

The Special Town Meeting of the Town of Foxborough convened at 7:45 P.M. in the auditorium of the Foxborough Senior High School, 120 South Street, Foxborough, Massachusetts with Mr. Francis J. Spillane, Town Moderator, presiding. John R Gray, Advisory Committee member, led the Pledge of Allegiance. Town Clerk Robert E. Cutler, Jr. read the Warrant and Return.

One hundred sixty-eight (168) inhabitants qualified to vote in elections and at town affairs were recorded as present.

The assemblage recognized Fred "Jay" Barrows, State Representative in General Court, First Bristol District, who was present at the meeting. There was a moment of silence for Grace E. Berg, mother of Chairperson of the Board of Selectmen, Lynda Walsh. Mrs. Berg passed away March 4, 2011.

ARTICLE 1: Moved that the Town vote to amend Article 4 of the May 10, 2010 Annual Budget as described below in order to fund the expenses associated with completing the Foxborough Commuter Parking Lot and also fund the associated ongoing electricity costs:

5/10/10					Revised
<u>Article #</u>	Dept #	<u>Department</u>	Budget	<u>Adjust</u>	FY '11 Budget
4	410	Public Works – Expenses	400,027	17,000.00	417,027.00
4	424	Street Lighting – Expenses	115,000	3,000	118,000

and to further meet this appropriation by transferring the balance of funds from the Street Lighting Account #01424807-521015 in the amount of \$20,000.

ADOPTED 102 Affirmative 20 Negative 7:57 PM

ARTICLE 2: Moved that the Town vote to fund a deficit in the Police Details Agency Account associated with three customer accounts that have gone unpaid for several years; and to transfer from free cash pursuant to any applicable statute the amount of One Thousand Seventy One Dollars (\$1,071).

ADOPTED 107 Affirmative 5 Negative 8:02 PM

ARTICLE 3: Moved that the Town vote to accept Mass. General Law Chapter 59 section 5(54), added by Chapter 150 section 114 of the Acts of 2000 Small Personal Property Accounts, which statute provides as set forth below, and to establish an amount of \$750 as the minimum value of personal property subject to taxation, effective July 1, 2011 for Fiscal 2012;

Section 5. The following property shall be exempt from taxation and the date of determination as to age, ownership or other qualifying factors required by any clause shall be July first of each year unless another meaning is clearly apparent from the context; ...

Fifty-fourth. Personal property, if less than an amount established by the city or town, but not in excess of \$10,000 of value. This clause shall take effect upon its acceptance by a city or town, which shall establish a minimum value of personal property subject to taxation and may modify the minimum value by vote of its legislative body.

ADOPTED

115 Affirmative

2 Negative

8:04 PM

ARTICLE 4: Moved that the Town vote to transfer from free cash the sum of \$20,000 to be spent by the Town Manager for professional consultants to undertake the updating of the Town's Non-Union Wage/Classification Plan.

NOT ADOPTED

10 Affirmative

그 그 교육, 바꾸다 없음, 소송, 오늘, 6

98 Negative

8:07 PM

ARTICLE 5: Moved that the Town vote to authorize the Board of Selectmen to petition the General Court for enactment of a Home Rule special act and to request the Town's representatives to the General Court to introduce a Special Act as set forth below, and further to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage.

AN ACT TO AUTHORIZE THE TOWN OF FOXBOROUGH TO SELL BY AUCTION TOWN PROPERTY LOCATED AT 40 SCHOOL STREET

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the town of Foxborough, acting by and through its board of selectmen, may sell by auction or cause to be sold by auction all or any portions of the town property located at 40 School Street in Foxborough, known as Assessor Map 79, Parcels 2224 and 2225, a portion of which is further described in the deed recorded at the Norfolk County Registry of Deeds in Book 1612, Page 139, together with the improvements thereto, consistent with any minimum amount to be paid to the town for the purchase of such property and pursuant to any terms and conditions as the selectmen shall consider proper, and to execute such agreements and documents as may be required to accomplish the sale by auction of such property, provided fourteen days at least before the time selected for such auction the town shall cause notice of the sale by auction to be posted in two or more convenient and public places in said town and to be published in such newspaper as the selectmen shall order at least once each week during the two consecutive weeks preceding the sale by auction. Such notice shall contain the date, time and place appointed for such sale by auction, a description of the property to be sold sufficient to identify it, any such minimum purchase price and such other terms and conditions of such sale.

SECTION 2. The town, acting by and through its selectmen or its custodian duly appointed by the selectmen, may reject any and all bids at such sale or any adjournment thereof, if in the opinion of the selectmen or their custodian, no bid is made which approximates the fair value of the property, meets the required or desired terms and conditions of sale or is otherwise satisfactory, and may adjourn the sale from time to time for such periods as deemed expedient, by giving notice thereof at the time and place appointed for the sale or for any adjournment thereof.

SECTION 3. This act shall not be construed to prevent the town from disposing of such property under section three of chapter forty, or in any other manner authorized by law.

SECTION 4. This act shall take effect upon its passage.

ADOPTED

102 Affirmative

7 Negative

8:32 PM

ARTICLE 6: Moved that the Town vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, pursuant to G.L. c. 79 and 83, drainage easements at the property known as 121 Main Street and shown as Lot F-2J on the plan in recorded in Plan Book 570, as Plan No. 14 of 2007 pursuant to the plan entitled "Easement Exhibit Plan for Shoppes at Chestnut Green, Foxborough, MA," dated November 24, 2009 and prepared by Bay Colony Group, Inc.

ADOPTED

106 Affirmative

3 Negative

8:36 PM

ARTICLE 7: Moved that the Town vote to amend the Revised General By-Law of the Town of Foxborough, by deleting Article V, Section 3 Dog Control Regulations, and replacing it with the following:

Animal Control Regulations

Section 3

A. Definitions:

Animal Control Officer: Shall be that person or persons appointed by the Selectmen to enforce this bylaw.

At large: Any dog shall be deemed to be at large when it is off the premises of its owner or keeper and not under the care and control of a person demonstrating the ability to control the dog.

Care and Control: A dog shall be considered in care and control while on the premises of its owner or keeper or if the dog is on the premises of another person with knowledge and expressed permission of such other person. A dog under voice command shall be considered in the care and control of a person only if said person is competent to prevent the dog from being at large, or from being a public nuisance.

Dog: Any animal of the canine genus.

Keeper: Any person, corporation or society, other than the owner, harboring or having in his possession any dog.

Owner: Any person, partnership, or corporation, in whom is vested the ownership, domain, or title of one or more animals.

Licensing Period: The time between January 1st of any year to December 31st of the same calendar year, both dates inclusive.

Public Nuisance: A dog shall be deemed a public nuisance for any of the following (but not limited to):

- 1. Is found at large;
- 2. Damages the property of anyone other than its owner;
- 3. Molests or intimidates pedestrians or passerby;
- 4. By reason of habitual or frequent howling, barking, whining, or other utterances disturbs the peace and quiet of any person of ordinary sensibilities who is a neighbor or in close proximity to the premises where the dog is kept or harbored;
- 5. Has bitten or attacked any person;
- 6. Has bitten or attacked other domestic animals;
- 7. When the owner or keeper has failed to remove excrement from either public or private property.

B. Violations and Penalties:

The Animal Control Officer may impose a fine upon the owner or keeper of a dog found to be a public nuisance; twenty-five dollars (\$25) for the first or second offense; fifty dollars (\$50) for the 3rd offense; and one hundred dollars (\$100) for the 4th offense. Fines shall be paid to the Town of Foxborough before the redemption of the dog, if impounded, or within 21 days of issuance of the fine when impoundment has not occurred.

The Animal Control Officer shall charge the dog owner or keeper a twenty dollar (\$20) redemption fee to be in addition to any and all other fees, fines or penalties.

In addition to all other legal and equitable remedies, fines and penalties under this by-law may be assessed in the manner provided in G.L. c. 40, section 21D, with the Animal Control Officer as the enforcing person, and the amount of the fine \$25.00.

C. Vaccinations of Dogs and Cats against Rabies

The owner or keeper of a dog or cat six (6) months old or over, shall cause the dog or cat to be properly vaccinated against rabies by a licensed veterinarian as is required by M.G.L. Ch 140 section 145B. The owner or keeper of any unvaccinated dog or cat brought into the Town of Foxborough shall be punished by a fine of not more than fifty dollars (\$50), which shall be paid to the Town of Foxborough.

D. Order to Restrain:

If any person shall make a complaint in writing to the Animal Control Officer that any dog within his/her jurisdiction is a public nuisance, the Animal Control Officer shall investigate such complaint and may restrain or muzzle the dog or issue an interim order to restrain or muzzle the dog for a period not to exceed fourteen (14) days. The Animal Control Officer may take similar action, without written complaint, should he/she become aware that any dog is a public nuisance.

Upon restraining or muzzling, or issuing an interim order to restrain or muzzle, the Animal Control Officer shall submit in writing to the Selectmen, a report of his/her action and the reasons therefore. Upon receipt of such report, the Selectmen may make such order concerning the restraint, muzzling or disposal of such dog as deemed necessary. If the Selectmen fail to act upon the report during the period the dog is restrained or muzzled, upon expiration of the period, the interim order shall be deemed automatically vacated.

E. Appeal:

The owner or keeper of any dog that has been ordered to be restrained or muzzled or restrained under this bylaw, may file a request in writing with the Animal Control Officer that the restraining order be vacated, or that the dog be released, and after investigation by the Animal Control Officer, such officer may vacate such order or release such dog, if the order or restraint was imposed by him/her. If the order was imposed by the Selectmen, the Animal Control Officer shall submit a written report of his/her recommendations, to the Selectmen, who may vacate such order.

The owner of any dog under order of restraint or muzzling or disposal order by Selectmen, if not satisfied with the decision of the Selectmen following appeal, shall have the right to appeal to the District Court.

F. Impoundment:

It shall be the duty of the Animal Control Officer to apprehend any dog that is found running at large and impound such animal. Such animal to be held, adopted, or euthanized as described in M.G.L. Chapter 140, Section 151A.

G. Redemption of Dogs:

The owner or keeper of a dog so impounded may claim the dog as provided by law, upon the occurrence of the following:

- 1. The owner or keeper presents a valid license and certificate of rabies vaccination;
- 2. The owner or keeper pays all fines, boarding and other fees;
- 3. The owner or keeper gives his/her name, address and date of birth;
- 4. If the dog does not have a current rabies vaccination, the owner or keeper must present a receipt from a licensed veterinarian showing pre-payment of rabies vaccination.
- 5. If the dog is unlicensed, the owner must license the dog within seven (7) days of redemption.

H. Licensing:

A person residing in the Town of Foxborough who at the beginning of the license period is the owner or keeper of a dog six (6) months old or older shall cause the dog to be licensed each year with the Town Clerk's Office as required under M.G.L. Chapter 140, section 137. Any person who during the license period shall become the owner or keeper of a dog six (6) months or older shall cause that dog to be licensed as provided herein within thirty (30) days of his or her obtaining possession of said dog.

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The Town Clerk shall charge such fee for license as may from time to time be established by the Town Clerk pursuant to M.G.L. Chapter 40, Section 22F. The Town Clerk shall not issue a license for any dog unless the owner or keeper provides the Clerk with a veterinarian's certificate verifying that the dog is currently vaccinated against rabies. Upon presentation to the Clerk of a certificate of training, no fee shall be charged for a dog specifically trained to lead or serve visually or hearing impaired person. Whoever fails to license their dog by January 31st of each year shall be subject to a late fee as may from time to time be established by the Town Clerk pursuant to M.G.L. Chapter 40, Section 22F of the General Law.

ADOPTED 98 Affirmative

3 Negative

8:39 PM

Approved by A.G. June 21, 2011. REC

ARTICLE 8: Moved that the Town vote to authorize the Board of Selectmen to petition the General Court for enactment of a Home Rule Special Act and to request the Town's representatives to the General Court to introduce a Special Act as set forth below, and further to authorize the General Court, with the approval of the Board of Selectmen, to make constructive changes in language as may be necessary or advisable towards perfecting the intent of this legislation in order to secure passage.

AN ACT TO AUTHORIZE THE TOWN OF FOXBOROUGH TO ESTABLISH AN AGE LIMIT FOR ORIGINAL APPOINTMENT TO THE POSITION OF POLICE OFFICER

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, no person shall be eligible to have his name certified for original appointment to the position of police officer for the Town of Foxborough if such person has reached his thirty-fifth (35) birthday on the date of the police entrance examination. Any veteran shall be allowed to exceed the maximum age provision of this section by the number of years served on active military duty, but in no case shall said candidate for appointment be credited more than four years of active military duty.

SECTION 2.

This act shall take effect upon its passage.

ADOPTED

90 Affirmative

21 Negative

8:51 PM

ARTICLE 9: Moved that the Town vote to amend Article V, Section 1, Police Regulations, of the Foxborough General By-Laws by adding the following new last sub-section after the sub-section entitled "Cigarette Rolling Paper,"

Public Consumption or Use of Marijuana or Tetrahydrocannabinol

1. No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in M.G.L. c. 94C, § 1, as amended) while in or upon any public place, including but not limited to, any public street, public sidewalk, public way, public footway, public passageway, public stairs, public bridge, public park, public playground, public beach, public recreation area, public boat landing, public building, public school building, public school grounds, public cemetery, public parking lot; or in or upon any area owned by or under the control of the Town of Foxborough, or any place to which the public has a right of access as invitees or licensees.

- 2. Any marijuana or tetrahydrocannabinol smoked, ingested, or otherwise used or consumed in violation of this By-Law shall be seized, held, and disposed of in accordance with M. G. L. c. 94C, § 47A.
- 3. Whoever is found in violation of this By-Law shall, when requested by an official authorized to enforce this By-Law, state his true name and address to said official.
- 4. This By-Law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to M.G.L. c. 40, § 21, or by non-criminal disposition pursuant to M.G.L. c. 40, § 21D, by the Board of Selectmen or the Town Manager, or any duly authorized agent of the Board of Selectmen or the Town Manager, or any police officer as enforcing persons.
- 5. The fine for a violation of this By-Law shall be two hundred dollars (\$200.00) for each offense. A penalty imposed under this By-Law shall be in addition to any civil penalty imposed under M.G.L. c. 94C, § 32L.
- 6. If any provision of this By-Law is determined to be invalid or unenforceable by final judgment or order of a court of competent jurisdiction, the remaining provisions shall continue in effect to the extent permitted by law.

ADOPTED 85 Affirmative 2/3rds vote required Approved by A.G. June 21, 2011. REC

27 Negative 9:10 PM

ARTICLE 10: Moved to amend Article V, Section 1 of the Foxborough General By-Laws by adding the following new subsection after "Police Regulations" and before "SOLICITOR/CANVASSER".

Public Intoxication

- 1. No person shall be in or display a state of intoxication or drunkenness to the degree that he poses a danger to himself or to others, poses a danger to property, or presents a clear and imminent likelihood of criminal conduct, while in or upon any public place or place to which the public has been invited to access (whether free of charge or conditioned upon purchase of a ticket or other form of admission), including but not limited to public ways, sidewalks, parking lots, parks and commons, playgrounds, recreation areas, beaches, cemeteries, municipal buildings and schools and grounds or athletic fields appurtenant thereto, premises licensed by the Town to serve the public, and facilities designed to accommodate spectators for athletic events or for concerts. Notwithstanding the foregoing, this article shall not apply to private residences or to the premises thereof unless such conduct also constitutes a violation of other law or laws of the Commonwealth.
- 2. Any police officer as the enforcing person shall make a record of the violation of this by-law, such record to include the following information (to the extent it is available), name, address and date of birth of the person violating this by-law, date, time and location of the violation.
- 3. This by-law may be enforced by non-criminal disposition pursuant to MGL Chapter 40, Section 21D by any police officer as the enforcing person. Any person found to be in violation of this by-law shall be assessed a non-criminal penalty of two hundred dollars (\$200.00) for each violation.

MOTION FOR NO ACTION NOT ADOPTED:67 Affirmative82 Negative9:46 PMADOPTED AS AMENDED:100 Affirmative47 Negative9:13 PM

2/3rds vote required

Disapproved by A.G. October 3, 2011. REC

ARTICLE 11: Moved no action on Article 11.

ADOPTED 93 Affirmative 3 Negative 9:58 PM

ARTICLE 12: Moved that the Town vote to amend the Revised General By-laws of the Town of Foxborough, Article IX, Section 1, Wetland and Groundwater Protection Bylaw, as follows:

그는 하다는 문화화를 받는 학생들이 한 점점도 한다는 모든 모든 하는 모든 보고를 모든 것으로 모든 그 모든 문화로 문화되었다.

BY DELETING the last sentence of Subsection 4 and replacing it with the following:

Definitions, time frames, and procedures, insofar as applicable, set forth in said Chapter and section and regulations thereunder (310 CMR 10.00 et seq.) are hereby made a part of this Bylaw. and

BY REPLACING the name "Department of Environmental Quality Engineering" in Subsection 10 with the following:

Department of Environmental Protection and

BY ADDING the following new Subsection 13:

After public notice and public hearing the Conservation Commission shall promulgate rules and regulations to effectuate the purposes of this Bylaw. Failure by the Conservation Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw. At a minimum these regulations shall define key terms in this Bylaw, define additional terms not inconsistent with this Bylaw, and impose filing and consultant fees.

ADOPTED 107 Affirmative 2/3rds vote required

0 Negative

10:07 PM

2/3rds vote required Approved by A.G. June 21, 2011. REC

ARTICLE 13: Moved that the Town vote to amend the Foxborough Zoning By-laws Section 9.3 Flood Plain Overlay district (FPOD) by:

ADDING a new Section 9.3.2.6 to read:

6. "All development in the district, including structural and non-structural activities, whether permitted by right or by Special Permit must be in compliance with Chapter 131, Section 40 of the Massachusetts General Laws and with the following: Wetlands Protection Regulations 310 CMR 10.00, Department of Environment Protection (DEP) 310 CMR 13.00, Wetlands Protection Regulations, and Foxborough Conservation Commission Regulations."

and ADDING a new Section 9.3.2.7 to read:

7. In a riverine situation, the Building Commissioner shall notify the following of any alteration or relocation of a watercourse: adjacent communities, Massachusetts State Coordinator for the National Flood Insurance Program (NFIP), and the NFIP Program Specialist for the Federal Emergency Management Agency, Region 1.

and ADDING a new Section 9.3.2.8 to read:

8. Subdivision proposals must be designed to assure that such proposals minimize flood damage, all public utilities and facilities are located and constructed to minimize or eliminate flood damage, and adequate drainage is provided to reduce exposure to flood hazards.

ADOPTED

105 Affirmative

0 Negative

10:13 PM

2/3rds vote required

Approved by A.G. June 21, 2011. REC

ARTICLE 14: Moved that the Town vote to amend the Foxborough Zoning By-laws Section 3.0 Use Regulation, Table 3-1 Table of Uses and Section 11 of the Zoning By-Laws by:

ADDING the following new entry to Section C in Table 3-1:

	R-15	R-40	GB	NB	HB	GI	LI	S-1
C.9. Landscape/Building								
Supply Yards	N	N	N	N	PB	PB	PB	PB

and

ADDING the following new definition to Section 11

Landscape/Building Supply Yards: A parcel of land used for the storage and sale of landscape and/or building materials including but not limited to mulch, sand, gravel, loam, stone, bricks, lumber, pipe, concrete, or other materials used for landscape or building construction. These materials may be stored indoor or outside.

and

ADDING the following new entry to Section C in Table 3-1:

	R-15	R-40	GB	NB	HB	GI	LI	S-1
C.10 Contractor Yard	N	N	N	N	PB	PB	PB	PB

and

ADDING the following new definition to Section 11

Contractor Yard: A parcel of land utilized by a contractor for the storage of building supplies, and storage and/or maintenance of trucks and other equipment.

ADOPTED 102 Affirmative 1 Negative 10:15 PM 2/3rds vote required Approved by A. G. June 21, 2011. REC

ARTICLE 15: Moved that the Town vote to amend the Foxborough Zoning By-Laws Section 8.1 Accessory Apartments by:

AMENDING existing Section 8.1.1 SPECIAL PERMIT REQUIRED to read as follows:

Subject to satisfying the Standards set forth in Section 8.1.2, the addition of an Accessory Apartment to a single family home may be permitted by the issuance of a Special Permit.

and

REMOVING from existing Section 8.1.2.8 the word "That" in the beginning of the sentence and replace with "For conforming lots or structures" and the words at the end of the sentence which states "and that no Special Permit be granted to exceed this flow for a nonconforming structure"

So that the sentence reads:

8. For conforming lots or structures within the Water Resource Protection Overlay District, the design sewage flow should not exceed the design sewage flow requirements established by Section 9.4 for the Zone II and Zone III of the Water Resource Protection Overlay District.

Adding Section 8.1.2.9

9. For pre-existing non-conforming lots or structures located in Zone II or Zone III of the Water Resource Protection Overlay District, an accessory apartment may be allowed provided there is not an increase in the number of bedrooms on the property. The existing septic system must pass a Title 5 inspection, or the system upgraded as approved by the Board of Health.

and RENUMBERING the remainder of the Section accordingly.

ADOPTED

101 Affirmative

0 Negative

10:20 PM

2/3rds vote required

Approved by A.G. June 21, 2011. REC

ARTICLE 16: Moved that the Town vote to amend the Foxborough Zoning By-laws Section 6.5 Performance Standards by:

ADDING Section 6.5.1 Purpose

Purpose: The following performance standards have been adopted in order to control the size, scale, and impacts of nonresidential or multi-family developments. The Planning Board shall ensure that such standards are met during the course of any Planning Board special permit application or site plan review.

and RENUMBERING the remainder of the Section accordingly.

REMOVING existing Section 6.5.8 Service Areas

Service areas and delivery locations shall be located so that delivery vehicles are parked outside the street right-of-way or in on-site driveways. All service areas, dumpster and trash receptacle locations, and other similar uses shall be screened from the street and from public view. They may be screened through a variety of materials such as walls, fences, plantings or a combination of these materials.

and **REPLACING** with a new Section 6.5.8 Service Areas

- 1. Service areas and delivery locations shall be located so that delivery vehicles are parked outside the street right-of-way or in on-site driveways. The Board shall ensure that these areas do not impede onsite vehicular circulation.
- 2. The Board may require that specific areas adjacent to buildings or areas of the businesses' operations be specifically reserved for loading or delivery operations. These areas cannot be counted for parking or utilized for access isles.
- 3. All service areas, dumpster and trash receptacle locations, and other similar uses shall be screened from the street and from public view. They may be screened through a variety of materials such as walls, fences, plantings or a combination of these materials.

REMOVING existing Section 6.5.10 Drainage

Detailed drainage design and computations shall be provided in conformance with the Massachusetts Department of Environmental Protection Storm Water Management Handbook Volumes 1 and 2. Closed drainage systems shall be designed for a twenty-five (25) year storm event. Culverts, detention basins, and infiltration systems shall be designed for one hundred (100) year events. Post development drainage rates shall not exceed pre-development levels. Within the Water Resource Protection Overlay District, special attention shall be made to ensure water quality. Easements shall be shown on the plan. If they are to be granted to the Town a written description of such for recording purposes is necessary.

and REPLACING with a new Section 6.5.10 Drainage

- 1. All efforts shall be made to design the drainage system to utilize low impact development (LID) methods. Developments not incorporating any LID design elements shall prove to the Board that the use of these drainage systems is not feasible for the project due to unique site characteristics or its location.
- 2. Detailed drainage design and computations shall be provided in conformance with the State of Massachusetts, Department of Environmental Protection Storm Water Management Handbook. Closed drainage systems shall be designed for a 25-year storm event. Culverts, detention basins, and infiltration systems shall be designed for 100-year events.
- 3. Post development drainage rates shall not exceed pre-development levels. Within the Water Resource Protection District, special attention shall be made to ensure water quality is not degraded. Easements shall be shown on the plan. If they are to be granted to the Town a written easement and a specific easement plan of such for recording purposes is necessary.

ADDING to Section 6.5.12 PUBLIC SAFETY

The Board may require fire lanes at locations providing access to buildings to ensure that these areas are open for fire vehicle access.

ADDING a new Section 6.5.13 CONSTRUCTION STANDARDS

1. All construction specifications shall comply with the standards in the Foxborough Subdivision Regulations. Where these regulations do not cover construction items construction shall be in accordance with Massachusetts Highway Standards or standard engineering practices as determined by the Board or its designee.

and **RENUMBERING** the remainder of the Section accordingly.

ADOPTED

103 Affirmative

0 Negative

10:24 PM

2/3rds vote required

Approved by A.G. June 21, 2011. REC

ARTICLE 17: Moved that the Town vote to amend the Foxborough Zoning By-Laws, Section 10.5 SITE PLAN REVIEW BY:

ADDING a new Section 10.5.5.9

9. Plans and specification shall conform with Section 6.5 performance Standards.

ADDING a new Section 10.5.5.10

10. The applicant shall provide, upon request, to the Planning Board, its staff, or technical review consultants copies of any submittals (plans, studies, reports, presentations, etc...) in .pdf format.

ADDING a new Section 10.5.8.2

2. The Board may waive appropriate sections of 6.5 provided the sections are not applicable to the proposed development, would significantly alter the character of the neighborhood or district in which the proposal is located, or the waiver is in the public interest. Waivers requests shall be submitted in writing by the applicant with the submission of the Site Plan Review application. The Board must state in the decision the Section waived and the justification for the waiver.

and RENUMBERING the remainder of the Section accordingly.

ADOPTED

102 Affirmative

0 Negative

10:26 PM

2/3rds vote required

Approved by A.G. June 21, 2011. REC

ARTICLE 18: Moved that the Town vote to accept Twilight Drive as a public way, laid out pursuant to G.L. chapter 41 and 82, as amended, and as recommended by the Planning Board, beginning at a point on the Easterly sideline of Twilight Drive, said point being the Northeasterly corner of Twilight Drive; thence running S 11-12-35 E 1.73 feet to a point of curvature; thence running counter-clockwise along a curve having a radius of 40.00 feet for a length of 34.51 feet to a point of curvature; thence running clockwise along a curve having a radius of 60.00 feet for a length of 292.02 feet to a point of curvature; thence running counter-clockwise along a curve having a radius of 40.00 feet for a length of 34.51 feet to a point of tangency; thence running N 82-03-40 E 50± feet to a point of beginning, as more particularly shown on that certain plan entitled "As-Built Plan and Profile of Twilight Drive," dated October 1, 2009, prepared by Hutchins-Trowbridge Assoc. Inc. and on file with the Planning Board; to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain, such land and slope, drainage and other easements and rights as may be necessary to effectuate the purpose of this Article.

ADOPTED

101 Affirmative

1 Negative

10:30 PM

Moved to adjourn the Special Town Meeting.

ADOPTED

105 Affirmative

0 Negative

1030 PM

A True Record Attest:

Robert E. Cutler, Jr., Town Clerk